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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,172

02/22/2006

Jonathan R. Piesing

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOKSHI, PINKAL R

ART UNIT

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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,172	Applicant(s) PIESING, JONATHAN R.	
	Examiner PINKAL CHOKSHI	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/16/2009 have been fully considered but they are not persuasive. Applicant asserts that Piesing does not disclose pausing a received timebase, included in the broadcast signal. Examiner respectfully disagrees. Piesing discloses (§0021) that the identification signal is synchronized with the time sections of the broadcast signal that will have a matching interactive application. Piesing further discloses (§0025) that when the identification signal is absence, system interrupts the running of the interactive application which corresponds to time sections of the broadcast signal or pauses an internal timebase (time section of the broadcast signal). Piesing further discloses (§0008 and §0009) that when the identification signal is not present, the interactive application, which is a part of the broadcast signal that also includes time sections, is interrupted. Since claim is indefinite about the meaning of timebase, it is Examiner's position that any distance reads on this limitation can be used. Examiner uses secondary reference Noetsele to disclose (§0030, §0039, §0040) that the video stream transmitted to receiver includes timing stream, where each code includes a timing field which indicates the time offset between the start of the stream and the point in the stream at which that code is embedded. The rejection is maintained.

With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary reference does not cure the deficiency of

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Piesing, nevertheless it is the Examiner's contention that Piesing does not contain any deficiencies. See the rejection below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 and 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claims 1 and 8, it is unclear when claiming "...the broadcast signal including a *timebase*..." It is ambiguous what the Applicant means by timebase. Applicant is asked to clarify and provide support since it has not defined timebase in claim. For the purpose of examination, it is the Examiner's position that any distance reads on above limitation and such is in accordance with broadest reasonable interpretation, and from the perspective of one having ordinary skill in the art.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2003/0079225 to Peising et al (hereafter referenced as Piesing) in view of US PG Pub 2003/0200554 to Noetsele et al (hereafter referenced as Noetsele).

Regarding **claim 1**, “a method of monitoring a broadcast signal” reads on the method where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to “method comprising receiving, by an end user device, a broadcast signal” Piesing discloses (§0024) that the receiver receives broadcast signals as represented in Fig. 1 (elements 28 and 34).

As to “monitoring the broadcast signal for an identification signal” Piesing discloses (§0021 and §0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to “pausing the received timebase if the identification signal is not present” Piesing discloses (§0025) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to “the broadcast signal including a timebase” Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing meets all the limitations of the claim except he does not explicitly teach “a timebase is included in the broadcast signal.” However,

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Noetsele discloses (§0039 and §0040) that the timing stream is included with the broadcast signal as represented in Fig. 3. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by adding time stream in the broadcast signal as taught by Noetsele so the display of enhanced content is synchronized with a video or other timing signal to which it is related (§0010).

Regarding **claim 2**, "a method wherein the broadcast signal comprises a video component, an audio component, and a data component" Piesing discloses (§0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 3**, "a method wherein the timebase is a portion of the data component of the broadcast signal" Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is a portion of the data component. Noetsele discloses (§0039 and §0040) that the timing stream is included with the broadcast signal as represented in Fig. 3. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing's system by adding time stream in the broadcast signal as taught by

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Noetsele so the display of enhanced content is synchronized with a video or other timing signal to which it is related (§0010).

Regarding **claim 4**, “a method wherein the broadcast signal is a digital signal and the identification signal is present in the data component of the broadcast signal” Piesing discloses (§0010) that the broadcast signal is a digital signal. Piesing further discloses (§0019) that the identification signal is produced by device 26 with data component and other data to generate broadcast signal.

Regarding **claim 5**, “a method wherein the broadcast signal is an analogue signal and the identification signal is present in the vertical blanking interval of the broadcast signal” Piesing discloses (§0029) that the broadcast signal is an analog signal with the identification signal is presented in VBI of the broadcast signal.

Regarding **claim 6**, “a method further comprising restarting the timebase, once the identification signal is present” Piesing discloses (§0025) that the interruption will be suspended when the identification signal is returned.

Regarding **claim 7**, “a method wherein the identification signal is present in the normal data structures describing the video component of the broadcast signal” Piesing discloses (§0021, §0024, §0025) that the identification signal is

carried in the video signal which describes its component by above mentioned operation.

Regarding **claim 8**, “apparatus for monitoring a broadcast signal” reads on the receiver where the broadcast signal is monitored for an identification signal (abstract) disclosed by Piesing and represented in Fig. 1.

As to “apparatus comprising receiving means for receiving the broadcast signal” Piesing discloses (§0024) that the receiver receives broadcast signals as represented in Fig. 1 (elements 28 and 34).

As to “monitoring means for monitoring the broadcast signal for an identification signal” Piesing discloses (§0021 and §0024) that the identification signal included in broadcast signal is monitored by the receiver for the presence of the identification signal.

As to “for pausing the received timebase if the identification signal is not present” Piesing discloses (§0025) that when identification signal is not present in broadcast signal, receiver interrupts by pausing an internal timebase of the interactive application.

As to “the broadcast signal including a timebase” Piesing discloses (§0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (§0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing meets all the limitations of the claim except he does not

explicitly teach “a timebase is included in the broadcast signal.” However, Noetsele discloses (¶0039 and ¶0040) that the timing stream is included with the broadcast signal as represented in Fig. 3. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Piesing’s system by adding time stream in the broadcast signal as taught by Noetsele so the display of enhanced content is synchronized with a video or other timing signal to which it is related (¶0010).

Regarding **claim 9**, apparatus wherein the signal comprises a video component, an audio component, and a data component” Piesing discloses (¶0019) that the audio, video and data components are multiplexed in multiplexer as represented in Fig. 1 (elements 18, 20, 22).

Regarding **claim 10**, “apparatus wherein the timebase is a portion of the data component of the broadcast signal” Piesing discloses (¶0020) that the interactive application transmitted to receiver is part of the data portion that is part of the broadcast signal. Piesing further discloses (¶0025) that the possible interruption includes pausing an internal timebase received in receiver. Piesing does not explicitly teach that the timebase is a portion of the data component. Noetsele discloses (¶0039 and ¶0040) that the timing stream is included with the broadcast signal as represented in Fig. 3. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify

Piesing's system by adding time stream in the broadcast signal as taught by Noetsele so the display of enhanced content is synchronized with a video or other timing signal to which it is related (§0010).

Regarding **claim 11**, "apparatus wherein the receiving means and the monitoring means are portions of an integrated circuit" Piesing discloses (§0026) that the receiving means and monitoring means are part an integrated circuit.

Regarding **claim 12**, "apparatus wherein the apparatus is a digital television receiver" Piesing discloses (§0023) that the apparatus is a receiver as represented in Fig. 1 (element 34).

Regarding **claim 13**, "apparatus wherein the monitoring means is arranged to restart the timebase, once the identification signal is present" Piesing discloses (§0025) that the interruption will be suspended when the identification signal is returned.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2425

/Brian T. Pendleton/
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